

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13087 of 2006

Order:

The petitioner, who joined the service of the respondents-APSEB, now APTRANSCO, as Peon on 22.03.1965 states that his actual date of birth is 30.06.1943, and that the same was entered by the respondents in his Service Register. In 1973, the petitioner was appointed as Watchman. Thereafter, he was promoted as Helper (Junior Lineman).

It is the case of the petitioner that the respondents, without his consent, had promoted him as Junior Lineman, and that had he been continued as Peon, he would have retired at the age of 60 years. It is the case of the petitioner that based on his date of birth, as entered in the Service Register, he was retired from service on 30.06.2000 instead of 30.06.2001, and that if he was continued in the post of Peon, he would retired from service on 30.06.2003. It is the contention of the petitioner that immediately after his retirement on 30.06.2000, he made representation to the respondents, followed by several representations, requesting the respondents to retain him at least upto 30.06.2001, based on his date of birth, as entered in the Service Registers, but in vain. Hence, he seeks appropriate directions.

The learned Standing Counsel for the respondents on the other hand contended that the petitioner having retired from service, received all the retrial benefits. He having been promoted and having worked in the promoted post for more than two decades, now cannot contend that had he been continued as Peon/Watchman, he would have continued in service upto 60 years. He submitted that as the petitioner as on 30.06.2000, attained the age of superannutation, he was retired from service, and no exception can be taken thereto.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APTRANSCO.

The petitioner, who joined the service of the respondents-APTRANSCO as Peon, and he having been promoted to the post of Junior Lineman, and having worked in the promoted post for more than two decades, now cannot contend that the respondents had promoted him without his consent, and more so when he was paid the pay scale

and benefits attached to the said post. It is not his case that he opposed the promotion given to him. Had the petitioner continued in the post of Peon, he would have retired at the age of 60 years, but he having accepted the promotion to the post of Junior Lineman, whose retirement age of 58 years, now cannot be allowed to contend that he should be continued till he attained the age of 60 years. Be that as it may, it is the case of the petitioner that if his date of birth, namely 30.06.1943, as entered in the Service Register is taken, he is entitled to continue in service upto 30.06.2001, but the respondents had retired him a year before on 30.06.2000. Though, the petitioner contends that he did not attain the age of superannuation on 30.06.2000, the date on which, he was retired from service, the fact remains, he did not file any material to show that his date of birth is 30.06.1943, and this apart, it is the case of the respondents that the petitioner having retired from service, received all the retrial benefits. The petitioner having received all the retrial benefits, now cannot be allowed to contend that he is entitled to continue in service upto 30.06.2001. This apart, the petitioner retired on 30.06.2000, and he filed the writ petition in 2006, i.e. after lapse of nearly six years. The petitioner, except making bald averments that he made representations to the respondents to continue him in service, did not file any material to show that, he in fact, had made any such representation..

The petitioner having not taken any steps in time, cannot be allowed to contend that since he was retired from service a year before, he should be held to have continued in service a year after the date of his retirement and paid the wages for the said period, and no directions as prayed for by the petitioner in the writ petition can be given.

The writ petition is misconceived, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 6th July, 2006
KSR

